

Chapter 6.52**NON-CHARITABLE SOLICITATIONS****6.52.010 Purpose.**

A. It is the purpose of this Chapter to subject non-charitable solicitation activity to reasonable regulations designed to protect the public health, safety and welfare. (Ord. 90-31)

B. It is unlawful for any person to commence, conduct, manage, participate in, advertise or sponsor a non-charitable solicitation activity regulated by this Chapter without first having obtained an Operations Permit: Non-Charitable Solicitations.

C. Notwithstanding the provisions of this Chapter, proposed activities shall be subject to Zoning Regulations and Coastal Development requirements, pursuant to Title 30 of this Code. (Ord. 94-06)

6.52.020 Definitions

A. "Solicitor" includes a peddler, hawker, transient dealer, sales person or other itinerate vendor, or an interviewer as defined in this Chapter; or any person who sets up a temporary stand or goes to a house or dwelling or upon any public place for the purpose of selling services, or offers to sell, or selling by sample or take orders for, giveaway or otherwise dispose of any goods or anything of value, or who offers to distribute or delivers any coupons, certificate, handbill, ticket, token card, papers, circulars, chance coupon, magazine or other item which in turn is redeemable for goods.

B. "House or dwelling" means any structure or building which has walls on all sides and is covered by a roof and which is intended for transient or permanent residential use.

C. "Public place" means any place to which a member of the public may have access without trespassing.

D. "Interviewer" means any person who goes to a house or upon any public place for interviewing persons or soliciting answers to questions for marketing research, opinion, research, attitude surveys or any other pool of information gathering services for compensation or other business enterprise. Interviewer does not include persons representing governmental entities, political parties, newspapers, radio or television stations, or persons circulating petitions for an initiative, referendum or other political purpose.

6.52.030 Issuing Authority. The City Clerk is the issuing authority for Operations Permit: Non-Charitable Solicitations.

6.52.040 Application.

A. An application shall be filed with the City's issuing authority not less than 30 working days prior to the proposed date for the commencement of the solicitation activity.

B. Upon the filing of the complete application, the Issuing Authority shall refer the application to the Sheriff's Department for the conduct of a background investigation.

6.52.050 Regulations.

A. A permit may be requested and issued for a maximum term of one year.

B. No solicitor shall contact or attempt to contact any occupant of any house or dwelling whereat the owner or occupant of the house or dwelling has posted at the front of the house or dwelling, printed with letters not less than one inch in height, and at a location which is unobstructed and clearly visible from the normal entrance way to such house or dwelling, a sign or placard prohibiting such soliciting.

C. No solicitor shall contact or attempt to contact any member of the public on any private, commercial property which is normally open to the general public whereat the owner or legal occupant thereof has posted at all entrances thereto, and printed with letters not less than one inch in height, and at a location which is unobstructed and clearly visible by all persons entering such property, a sign or placard prohibiting such soliciting.

D. No solicitor shall contact or attempt to contact any occupant of any house or dwelling except between the hours of 9:00 A.M. and 6:00 P.M. (Ord. 2007-03)

E. Failure to adhere to the above regulations is cause for revocation of solicitor permit of the individual and/or organization, company, etc., which is represented by the solicitor.

F. EXEMPTION TO TIME LIMIT OF 9:00 A.M. TO 6:00 P.M.: "Seasonal" solicitors who have an established temporary seasonal business, i.e., pumpkin sales, Christmas Tree sales, would be exempt from the time limits of operation, provided all conditions imposed by the Planning and Fire Departments have been met.

6.52.060 Exemption from Permit Requirement. This Chapter shall not apply to:

A. Students from an elementary school or a junior high school, or a high school, or public junior or community college, or public college or public university or any private educational

institution listed in Education Code Section 29003 but only while such students are engaged in activity associated with academic or scholastic functions sponsored by and authorized by such schools;

B. Wholesalers, their representatives, agents or employees calling upon retail businesses, nor to retail business when such sales are made in the regular course of business and at the established place of business;

C. Sales by a farmer or rancher for products produced within San Diego County by such farmer or rancher at the established place of business of such farmer or rancher;

D. An organization which is receiving governmental grant funds to be used for public or community purposes when holding an event less than four days in duration for the purpose of raising funds to supplement the governmental grant funds and to support the public or community purpose for which the grant funds were received;

E. A newspaper or its employees; or

F. A persons who sells only goods which he/she has personally handcrafted, provided:

1. That such goods are offered for sale only at an event of less than four days in duration which is held for the purpose of raising funds to support public, or community purposes, and
2. That person has not participated in such an event more than 2 times within that calendar year.

6.52.070 Exemptions from Fees. The following applicants for a permit required by this Chapter as described in this Section shall be exempt from fees imposed pursuant to this Chapter:

A. Veterans of the Army, Navy, Marines or Air Force as defined in Section 16102 of the Business and Professions Code of the State of California. Before any such veteran shall be issued a permit hereunder, such veteran shall submit to the Issuing Authority proof of release from active duty under honorable conditions or an honorable discharge, or a certified copy thereof.

B. Solicitors who are engaged exclusively in soliciting orders as an agent or representative of any person or persons engaged in Interstate Commerce which have their place or places of business outside of the State of California. Before any such agent or representative shall be issued a permit, he/she shall submit to the Issuing Authority satisfactory identification and Interstate Commerce credentials from the person represented.